

Open Letter to Prime Minister Tun Dr. Mahathir Mohamad

May 23, 2018

Prime Minister Tun Dr. Mahathir Mohamad
The Prime Minister's Office
Presint 1, 62000 Putrajaya
Selangor, Malaysia

Re: Human rights reforms under the new government

Dear Prime Minister,

Fortify Rights welcomes the free and fair General Elections that took place on May 9, 2018 and looks forward to engaging in positive communications with the new government coalition, *Pakatan Harapan*. The outcome of the election echoes the political will of Malaysian voters, setting a course towards true democracy in Malaysia and establishing an important precedent for Southeast Asia and beyond.

We are encouraged by the crucial institutional reforms underway and the detailed human rights commitments in *Pakatan Harapan*'s manifesto, "[Buku Harapan: Rebuilding Our Nation, Fulfilling Our Hopes](#)." In accordance with Fortify Rights' work and commitment to human rights in Malaysia and Southeast Asia, we would like to highlight the following promises in the manifesto for their potential significance in promoting and protecting human rights in Malaysia and beyond:

- Promise 15: Separation of the Office of the Attorney-General from the Public Prosecutor
- Promise 17: Ensure transparency and robustness of our election system
- Promise 19 & 20: Restore public trust in the judiciary and the Royal Malaysian Police
- Promise 26: Make our human rights record respected by the world

Furthermore, we strongly urge the *Pakatan Harapan* government to follow through on Promise 27 to “Abolish oppressive laws.” In line with this promise, we encourage your government to repeal or amend at least the following laws:

- Anti-Fake News Act 2018
- Sedition Act 1948
- Prevention of Crime Act 1959
- Prevention of Terrorism Act (POTA) 2015
- Security Offences (Special Measures) Act 2012 (SOSMA)
- Communications and Multimedia Act 1998
- Official Secrets Act 1972
- Peaceful Assembly Act 2012
- National Security Council Act 2016
- Mandatory death by hanging in all Acts
- Printing Presses and Publications Act 1984
- Universities and University Colleges Act 1971
- Penal Code 1997 especially on peaceful assembly and activities harmful to democracy

We are also encouraged by the manifesto’s commitment to address transnational human trafficking (Promise 58) and to “lead efforts to resolve” the Rohingya crisis (Promise 59). I had the honor and privilege to meet directly with your excellency in previous years to discuss the Rohingya crisis. We are fully confident that you understand the depth and gravity of the crisis, including how it poses real threats to international peace and security. We encourage your government to work with other governments to support efforts to persuade the United Nations Security Council to refer the situation in Myanmar to the International Criminal Court. The Government of Myanmar has demonstrated that it is unable and unwilling to properly investigate and prosecute those who committed mass atrocity crimes, including crimes against humanity and genocide. Impunity for these crimes will only prolong and worsen the crisis in Myanmar and regionally.

Likewise, impunity for human trafficking of Rohingya to Malaysia will also only further the Rohingya crisis. Fortify Rights documented how tens of thousands of Rohingya were trafficked from Myanmar to Malaysia, via Thailand, from 2012 to 2015. In 2017, Thailand prosecuted more than 60 traffickers, including senior military officials, who were responsible for trafficking-related crimes against Rohingya. The previous Government of Malaysia failed to sufficiently investigate and prosecute traffickers responsible for trafficking-related crimes against Rohingya, despite the discovery of 139 graves in 28 suspected human trafficking sites in Wang Kelian in May 2015. Fortify Rights is prepared to provide your office with further information on the trafficking of Rohingya to Malaysia to aid in investigations and prosecutions.

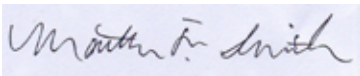
Moreover, we also encourage Malaysia to ratify the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol and implement its provisions to protect the rights of refugees in accordance with international standards. We also encourage your government to consider ratifying other core human rights treaties, in order to bring Malaysia in line with international standards, including, but not limited to:

- The International Convention on the Elimination of All Forms of Racial Discrimination
- The International Covenant on Civil and Political Rights
- The International Covenant on Economic, Social and Cultural Rights
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Lastly, we further call upon the Government of Malaysia to withdraw needless reservations on treaties that Malaysia already ratified, namely its reservations on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Convention on the Rights of the Child (CRC).¹

As you are well aware, these reforms would make Malaysia a regional leader in the promotion and protection of human rights, and they would command global respect for Malaysia's human rights record (Promise 26). We are fully committed to work with you and your office and the new government to ensure the implementation of these promises and reforms. We welcome the opportunity to discuss these issues further.

Sincerely,



Matthew Smith
Chief Executive Officer
Fortify Rights

¹ The reservations to CEDAW indicate an objection by Malaysia to ensure equal rights to nationality, equal rights to enter into marriage and during marriage and at its dissolution, and equal rights as parents. The reservations to CRC relate to upholding the principle of non-discrimination, the right to nationality, the right to freedom of thought, conscience, and religion, and protection from torture and deprivation of liberty.